

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION No.21547 of 2004

Between:

Dr. D. Siva Prasad, I.A.S. (Retd), S/o D. Venkoba Rao,
R/o D.No. 11-1-792, Opp: to Cement Godown, Obula Deva Nagar,
Ananthapur. **PETITIONER**

AND

1.State of Andhra Pradesh, rep. by the Principal Secretary to Government, Backward
Classes Welfare Department, Secretariat Buildings, Hyderabad.

2.Sri Ambati Subba Rao,

O/o The A.P. Commission of Backward Classes,

Chandravihar, M.J. Road, Hyderabad-1.

3.Sri V. Krishna Mohan Rao, M.A. B.Ed, (Ph.d),

C/o. O/o.The A.P. Commission of Backward Classes,

Chandravihar, M.J. Road, Hyderabad-1.**RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue any order or direction, writ or particularly one in the nature of Writ of Mandamus declaring the G.O.Ms.No.57 dated 18-11-2004 issued by the Government of Andhra Pradesh in B.C. Welfare Department as illegal, so far as the appointment of Respondents 2 and 3 as members of BC Commission Under Section 3 (2) (c) of the Act is concerned and directing the Government of Andhra Pradesh to consider the petitioner along with other eligible candidates for appointment as members of BC Commission under Section 3 (2) (C) of the Act.

Counsel for the Petitioner: Mr.M.N.NARASIMHA REDDY

Counsel for Respondent No.1: G.P. FOR SOCIAL WELFARE

The Court at the admission stage made the following:

ORAL ORDER: (per the Hon'ble the Chief Justice)

The very basis of challenge made by the petitioner is that he himself was a person interested in becoming a member of the Backward Classes Commission, which is constituted under the A.P. Commission for Backward Classes Act, 1993. The petitioner has not disclosed even the basis as to how respondents 2 and 3 do not have special knowledge in the matters relating to Backward Classes. As a matter of fact, the petitioner's grievance is that since he had long association with the B.C. Welfare Department being Secretary thereof and having some specialised knowledge in the matters pertaining to Backward Classes, he ought to have been appointed as a member.

The State Government has constituted A.P. Commission for Backward Classes under Section 3 of the A.P. Commission for Backward Classes Act, 1993. The Chairman thereof is a retired Judge of this Court, and Member Secretary is the Commissioner, Backward Classes Welfare Department. One of the members, N.Laxminarayan Mudiraj appears to be a social scientist. The challenge of the petitioner is that Sri Ambati Subba Rao (respondent No.2), who is stated to be an Advocate, and V.Krishna Mohan Rao (respondent No.3), who passed M.A. Degree and also doing Ph.d., ought not to have been appointed since they have no special knowledge in the matters relating to Backward Classes.

The writ petition is misconceived in the absence of any material on record as to how and in what manner the petitioner alleged that respondents 2 and 3 do not have special knowledge in the matters relating to Backward Classes. The only challenge in the entire petition relates to the appointment of respondents 2 and 3 herein as members of the Commission, and in the absence of any material on the basis of which the petition is filed, the writ petition is misconceived.

The writ petition is, therefore, dismissed.

(DEVINDER GUPTA, C.J.)

1st December 2004.

(M.NARAYANA REDDY, J.)

ARS

To

- 1. The Principal Secretary to Government, State of Andhra Pradesh, Backward Classes Welfare Department, Secretariat Buildings, Hyderabad.
- 2. Two CCs to Govt. Pleader for Social Welfare, High Court Bldgs., Hyderabad (OUT).
- 3.Two CD copies.